

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE ASSOCIATED PRESS,

Plaintiff,

v.

MOREOVER TECHNOLOGIES, INC., and  
VERISIGN, INC.,

Defendants.

07 CIV 8699 (GBD)

**NOTICE OF MOTION TO DISMISS OF  
DEFENDANTS VERISIGN, INC. AND MOREOVER TECHNOLOGIES, INC.**

PLEASE TAKE NOTICE that, at a time and date to be determined by the Court, defendants VeriSign, Inc. ("VeriSign") and Moreover Technologies, Inc. ("Moreover") (collectively, "Defendants") will move, and hereby do move, the above-entitled Court, located at 500 Pearl Street, Room 630, New York, New York, in the courtroom of Judge George B. Daniels, for an order pursuant to Federal Rule of Civil Procedure 12(b)(6), dismissing the first through seventh causes of action contained in the Complaint filed by plaintiff The Associated Press.

The motion to dismiss is based on the following grounds: (1) plaintiff's first cause of action for "hot news" misappropriation under New York law is preempted by the federal Copyright Act and fails to state a claim upon which relief can be granted; (2) plaintiff's second through sixth causes of action (*i.e.*, for copyright infringement, removal of copyright "management information," false association in violation of the Lanham Act and New York state unfair competition laws and trespass to chattels) each fails to state a claim upon which relief can be granted; (3) plaintiff's purported seventh "cause of action" is not a cause of action at all, but a claim for relief; and (4) plaintiff fails to state any viable claims against defendant VeriSign because the Complaint does not include any allegations of any independent activity by VeriSign.

This motion is based on this Notice of Motion, the Memorandum of Law in support thereof filed concurrently herewith, the pleadings, records and files in this action, any reply papers that may be filed, and upon such other and further evidence and argument as may properly be presented to the Court on the Motion.

Dated: November 7, 2007

Respectfully submitted,  
ARNOLD & PORTER LLP

By: Sean Morris  
Ronald L. Johnston (to seek *pro hac vice* admission)  
Sean Morris  
777 S. Figueroa Street, Suite 4400  
Los Angeles, CA 90017  
(213) 243-4000

-- and --

James B. Swire  
Louis S. Ederer  
Eleanor M. Lackman  
399 Park Avenue  
New York, New York 10022-4690  
(212) 715-1000

*Attorneys for Defendants  
VeriSign, Inc. and Moreover Technologies, Inc.*

To: Edward F. Maluf  
Joseph J. Barker  
BINGHAM McCUTCHEN LLP  
399 Park Avenue  
New York, New York 10022  
(212) 705-7000

*Attorneys for Plaintiff  
The Associated Press*